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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,795	07/03/2001	Douglas J. Murray	BAO-0021	1868
7590 08/12/2004				
CANTOR COLBURN LLP 55 Griffin Road South Bloomfield, CT 06002			EXAMINER THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,795

Applicant(s)

MURRAY, DOUGLAS J.

Examiner

Kenn Thompson

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413

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17, 19-23 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 15-18, 20-23 and 26 are objected to because of the following informalities:

Claim 15 appears to depend from claim 12 in view of the recitation, "said orientation slot" in claim 15, line 2; since an antecedent is not established in claim 29. To expedite the examination process the Examiner will treat claim 15 as to depend from claim 12.

In claims 15-18 the recitation "tubular member" should be changed to "tubular sleeve"

In claim 26, the recitation "string" in line 7 should be changed to "wellbore".

Claims 20-23 depend from claim 26 and are likewise objected to.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-17, 19-23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Braddick, U.S. 5,467,819.

Regarding claim 29, Braddick discloses in figures 1-16 a non-diverter tubular sleeve (B) composed of a single piece of material (118) at least a portion of which is circumferentially closed. Braddick discloses the sleeve having a wall thickness selected to minimize restriction of a borehole in which the sleeve is installable. Braddick discloses the thickness being insufficient

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to divert a tool and sufficient to orient a tool (42). Braddick discloses an expandable section (A) of the sleeve. Braddick discloses the section being radially expandable to assume a larger circumferential dimension such that an interference fit with a wellbore in which the device is to be deployed is achievable. Braddick discloses an orientation profile (7,8) disposed at an axial end of the sleeve.

As to claim 12, Braddick discloses the orientation profile (7,8) has an orientation opening (8) therein.

As to claim 13, Braddick discloses opening (8) is a slot.

As to claim 14, Braddick discloses a surface of the orientation profile is positioned proximate the wellbore.

As to claim 15, Braddick discloses the orientation slot (8) extends along a wall of the tubular sleeve from the orientation profile (7,8) and is configured to receive a pin on a tool for orientation.

As to claim 16, Braddick discloses the tubular sleeve is anchorable (via A) within the wellbore.

As to claim 17 Braddick discloses the downhole end (at A) of the tubular sleeve is radially expandable to engage an inner surface of the casing (C).

As to claim 19, Braddick discloses anchoring the sleeve (B) to an inner surface of the casing (C), running the tool (42) into the casing, causing a pin (43) on the tool to engage an orientation profile on the sleeve.

Regarding claim 25, Braddick discloses a tubular member (B) at least a portion of which is circumferentially closed. Braddick discloses the member having a wall thickness selected to

minimize restriction of a borehole in which the sleeve is installable. Braddick discloses the member configured to be received in a casing (C) of a wellbore. Braddick discloses the tubular member having an uphole end and a downhole end. Braddick discloses the uphole end defining an orientation profile (7,8) configured to cause a pin (43) on a separate tool to ride along said orientation profile causing the separate tool to orientate.

Regarding claim 26, Braddick discloses a multilateral point orientation device. Braddick discloses circumferentially closed single piece sleeve (B). Braddick discloses the sleeve having a material thickness insufficient to divert another tool and sufficient to orient a tool (42). Braddick discloses the sleeve having at least a portion (A) thereof configured to expand radially into interference contact with the wellbore (C). Braddick discloses expanding the device to achieve interference fit with a surface of the string to permanently anchor the device in the wellbore. Braddick discloses running the tool into the wellbore and causing a pin (43) on the tool to engage an orientation profile (7,8) on the device sleeve such that the tool is orientated by an interaction between the pin and the profile.

As to claim 20, Braddick discloses causing the pin (43) to engage an orientation opening (8) on the orientation profile (8,7).

As to claim 21, Braddick discloses the opening is a slot (8).

As to claim 22, Braddick discloses the causing the pin (42) on the tool to engage the orientation profile (7,8) rotates the tool into a desired orientation.

As to claim 23, Braddick discloses causing the pin (43) on the tool (42) to engage the orientation slot (8) causes the tool to be retained in position.

As to claim 27, Braddick discloses the opening is an orientation slot (8).

As to claim 28, Braddick discloses causing the pin (43) on the tool (42) to engage the orientation slot (8) causes the tool to be retained in an oriented position.

Regarding claim 30, Braddick discloses a sleeve (A,B), at least partially circumferentially closed, having at least a portion (A) thereof configured to be expandable such that the sleeve exhibits a first circumference prior to being expanded and a second circumference subsequent to being expanded and an orientation profile (7,8) disposed at the sleeve configured to orient tools passing at least partially through the device.

Allowable Subject Matter

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including the downhole end of the tubular sleeve having a lesser thickness than the uphole end tubular sleeve.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6 August 2004